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OCT 11 2005

PATENT  
51270-306496

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
**Yukichi ONO, et al.**

Serial No.: 10/697,074

Filed: October 30, 2003

For: **SEMICONDUCTOR INTEGRATED CIRCUIT  
DEVICE AND ITS MANUFACTURE USING  
AUTOMATIC LAYOUT**

Confirmation No.: 8114

Date of Notice of Allowance:  
April 22, 2005

Group Art Unit: 2826

Examiner: FAZLI ERDEM

I hereby certify that this correspondence is being facsimile transmitted to: (571)273-8300, Office of Petitions,  
MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 11,  
2005.

By: 

Roger R. Wise, Reg. No. 31,204

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Office of Petitions  
MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely response to the Notice of Allowance dated April 22, 2005, which set a three-month period to pay the required Issue Fee and Publication Fee. A Notice of Abandonment was issued on September 26, 2005.

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The Issue Fee and Publication Fee transmittals together with USPTO Form PTOL 85 were prepared and dated on July 21, 2005. The transmittals were intended to be filed with the USPTO via facsimile on that day. However, because of confusion with other issue fees that were also transmitted on the same day, the Issue Fee and Publication Fee transmittals for this application resulted in not being transmitted to the Patent Office.

The applicant hereby respectfully petitions for revival of this application. The Commissioner is hereby authorized to charge Deposit Account No. 16-1805 of the Petition Fee in the amount of \$1,500.00 under 37 C.F.R. § 1.17(m) (fee code 1453). The following are also enclosed as required for this Petition:

- a) Issue Fee and Publication Fee Transmittal dated July 21, 2005 in response to the Notice of Allowance dated April 22, 2005.
- b) Form PTOL 85 dated July 21, 2005.
- c) Change of Correspondence Address dated July 21, 2005.
- d) Copy of Notice of Abandonment dated September 26, 2005.

The Commissioner is also authorized to charge the aforementioned deposit account of the following fees:

- a) Issue Fee in the amount of \$1,400.00 (fee code 1501)
- b) Publication Fee in the amount of \$300.00 (fee code 1504)
- c) Fee for advance order of 10 soft copies in the amount of \$30.00 (fee code 8001)

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The entire delay in filing the required reply to the Notice of Allowance, i.e., Issue Fee and Publication Fee, from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

The Commissioner is further authorized to charge any deficiency in payment or credit any overpayment to Deposit Account Number 16-1805. A copy of this Transmittal is enclosed.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Dated: October 11, 2005

By: 

Roger R. Wise

Registration No. 31,204

Attorney for Applicant(s)

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## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

**Respond to the Notice of Abandonment by one of the following:**

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing, or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and re-mail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment